

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
)	
v.)	02: 05cr385
)	
JELANI SOLOMON)	

ORDER OF COURT

Presently before the Court is the MOTION IN LIMINE RE: EXECUTION IMPACT EVIDENCE filed by the government (*Document No. 563*) and the RESPONSE filed on behalf of the Defendant, Jelani Solomon (*Document No. 576*).

The government requests that the Court require the Defendant to outline the substance of any execution impact evidence it intends to present, much in the same way the government is required to outline the substance of its victim impact evidence. The Defendant does not object to providing an outline of the nature of this evidence to the government prior to the trial, but notes that it does not intend to introduce evidence at the penalty phase for the purpose of “appealing purely to the sympathy of the jury.”

Accordingly, on this the 10th day of September, 2007, it is hereby **ORDERED** that on or before **September 21, 2007**, the Defendant shall provide to the government an outline of the nature of any execution impact evidence it intends to introduce at the penalty phase of this trial. *See* Memorandum Opinion and Order of June 26, 2007, at 22. However, the defense is cautioned that any execution impact evidence that is found by the Court to be “appealing purely to the sympathy of the jury” will be excluded.

Likewise, the government is hereby **ORDERED** that on or before **September 21, 2007**, it shall provide to the Defendant an outline of the substance of any victim impact

evidence it intends to introduce at the penalty phase of this trial. *See* Memorandum Opinion and Order of June 26, 2007, at 22. The government is also cautioned that that any victim impact evidence that is found by the Court to be “appealing purely to the sympathy of the jury” and/or advocating for a sentence of death will be excluded.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: Tina O. Miller , Esquire
Assistant U.S. Attorney
Email: tina.o.miller@usdoj.gov

Martin A. Dietz, Esquire
Email: MDietzEsq@aol.com

Robert E. Stewart , Esquire
Email: restjs@msn.com

Tony Ricco, Esquire
Email: tonyricco@aol.com